

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

EVERETT HADIX, *et al.*,

Plaintiffs,

v.

PATRICIA CARUSO, *et al.*,

Defendants.

Case No. 4:92-CV-110

Hon. Richard Alan Enslen

PRELIMINARY INJUNCTION

In accordance with the Court's rulings on July 18, 2007 assessing the balance of factors pertinent under Federal Rule of Civil Procedure 65(a), *see Jones v. City of Monroe*, 341 F.3d 474, 476 (6th Cir. 2003), Plaintiffs' interests under the Eighth Amendment, *see Farmer v. Brennan*, 511 U.S. 825, 834 (1994); *Hadix v. Johnson*, 367 F.3d 513, 526 (6th Cir. 2004), and Defendants' interests under the Prison Litigation Reform Act of 1995, as codified at 18 U.S.C. § 3626(a)(2), in non-interference with the executive decisions of state government;

IT IS HEREBY ORDERED that Plaintiffs' Motion for Preliminary Injunction asserted as part of its Motion for Temporary Restraining Order (Dkt. No. 2519) is **GRANTED IN PART AND DENIED IN PART**.

IT IS FURTHER ORDERED that *in lieu* of the Temporary Restraining Order entered on July 6, 2007, which provisions are **VACATED**, the Court enjoins Defendants, their employees, successors, agents and assigns, to do the following: whenever a permissible,¹ administrative transfer of a special needs prisoner is made from a *Hadix* facility, they shall perform an advanced transfer

¹One made for a valid administrative purpose other than de-populating a *Hadix* facility.

assessment screen of the prisoner prior to the transfer at the *Hadix* facility and close to the time of transfer; and they shall review the advanced transfer assessment screen at the receiving institution within five days of transfer to ensure that the prisoner is provided with all prescribed medications and that any urgently necessary medical care is scheduled within a time frame which is medically acceptable.

IT IS FURTHER ORDERED that hearing on Plaintiffs' other Motions for Order to Show Cause (Dkt. Nos. 2485 and 2537) and on the First Status Report of the Independent Medical Monitor (Dkt. No. 2535) is **CONTINUED** until **August 29, 2007 at 2:00 p.m.**, before the undersigned at 601 Ford Federal Building, 110 Michigan, NW, Grand Rapids, Michigan.

IT IS FURTHER ORDERED that Defendants shall respond in writing to the First Status Report of the Independent Medical Monitor (Dkt. No. 2535) not later than August 20, 2007.

Date: July 20, 2007

/s/ Robert Holmes Bell
ROBERT HOLMES BELL
CHIEF UNITED STATES DISTRICT JUDGE